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SUPERIOR COURT  
- YV. ARIZONA  
2010 SEP -8 AM 10:38  
JEANNE HICKS, CLERK  
BY: B. Chamberlain

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

**OBJECTION TO DEFENDANT'S  
MOTION TO EXTEND TIME FOR  
ADDITIONAL DISCLOSURE DATED  
AUGUST 23, 2010**

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby objects to Defendant's Motion to Extend Time for Additional Disclosure and requests that the Court deny Defendant's Motion. Since June 22, 2009, the defense team has vehemently objected to every item disclosed by the State arguing that the material should be precluded due to its untimeliness. Now the defense is attempting to offer untimely material and ask the Court for special treatment without a valid excuse.

The material contained in Defendant's 10<sup>th</sup> Supplement is weather-related data from 2008 which tends to support Defendant's position that no rain fell in the Williamson Valley area around the time of the murder. Whether there was rain fall at the Bridle Path residence on July 1 or 2, 2008, has long been point of contention in this case. This fact was challenged in

1 Defendant's first motion to remand for a new finding of probable cause and at the Simpson  
2 Hearing.

3 There is no valid excuse to allow the defense to use this information that should have  
4 been disclosed more than 18 months ago. The defense freely accuses the State of failing to use  
5 due diligence in disclosure, but now that the tables are turned is seeking some type of exception  
6 to the requirements of Rule 15.6 of the Arizona Rules of Criminal Procedure.  
7

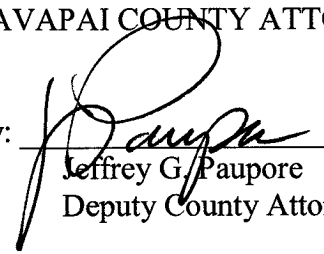
8 The fact remains that testimony has been offered which supports the State's position.  
9 Charlotte DeMocker testified she and her mother exchanged text messages about the recent  
10 rains just hours before Carol was brutally murdered. In addition, several of the State's  
11 witnesses testified that due to the condition of the ground around Carol's home and on the  
12 ranch land behind the home, it was evident that rain had fallen very recently. There is no doubt  
13 that the defense team failed to use "due diligence" and should have obtained this data provided  
14 by Dr. Curtis well before the disclosure deadline.  
15

16 **CONCLUSION:**

17 Defendant failed to show that the material disclosed in the 10th Supplement could not  
18 have been discovered earlier and should be precluded from offering any information contained  
19 therein at trial.

20 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of September, 2010.  
21

22  
23 Sheila Sullivan Polk  
YAVAPAI COUNTY ATTORNEY

24  
25 By:   
Jeffrey G. Paupore  
26 Deputy County Attorney

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COPIES of the foregoing delivered this  
8th day of September, 2010 to:

Honorable Warren R. Darrow  
Division 6  
Yavapai County Superior Court  
(via email)

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By: Debs Cornell